IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2221 OF 2006

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OFFICE NOTES, OFFICE MEMORANDUM OF CORAM, APPEARANCES, COURT'S ORDERS OR DIRECTIONS AND REGISTRAR'S ORDERS	COURT'S OR JUDGES ORDERS

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Shri Pethe i/by R.G.Ketkar for the Petitioner.
Ms Preetam Tendolkar i/by Shri M.S.Karnik for the Respondent No.1.
Shri Rajesh More, A.P.P for the State.

CORAM : A. S. OKA, J.
DATE : OCTOBER 17, 2006.

P.C.:

1. Heard the Advocate appearing for the Petitioner. Process has been issued in a private complaint filed by the first Respondent. In view of the decision of this court in the case of V.K.Jain & others Vs. Pratap V. Padode (2005(3) Maharashtra Law Journal Page 778) this Petition cannot be entertained as the Petitioner can file a Revision Application for challenging order issuing process.

2. The learned Advocate appearing for the Petitioner pointed out that occasion for challenging the order issuing process arose

in view of clarification made in a letter dated 04th July, 2006 issued by the Board of Apprenticeship Training, Western Region, Mumbai in which it is stated that process has not been issued in the name of Mr. Vijay Kumar but it has been issued in the name of General Manager, PMT Pune. He states that the said letter was filed in the court on 06th October, 2006.

3. It is obvious that if revision Application is filed by the Petitioner, the concerned Sessions Court will take into account said letter dated 04th July, 2006 and the fact that the said letter was filed in the concerned court on 06th October, 2006 while considering the prayer for condonation of delay of Appeal.

4. Subject to what is stated above, the Writ Petition is rejected with liberty to file revision Application before the appropriate Sessions Court.

JUDGE